REMARKS

Claims 1-20 are pending. Of those, claims 1, 8 and 14 are independent.

§102 REJECTION

Beginning on page 2 of the Office Action, claims 1, 4-8, 10-14 and 17-20 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 4,763,457 to Aguilar et al. (the 457 patent). Applicants traverse.

The '457 patent is directed toward an improved boot strategy by which user-network stations on a network can successfully boot even though a DHCP server is unexpectedly not available; see col. 4, lines15-25. In particular, lines 24-25 of col. 4 emphasize that the '457 patent is concerned with required boot parameters, and whether the DHCP server has failed to provide values for all of the required boot parameters.

A boot parameter, however, is different than a kernel parameter, i.e., a parameter manipulated, used and/or passed along by the kernel.

Coincidentally, two paragraphs of the '457 patent mention the word "kernel." Those two paragraphs are reprinted for the reader's convenience. More particularly, in col. 7, lines 22-62 (underlined emphasis added), the '457 patent states:

> As depicted in FIG. 7, a method 700 of booting a user station in a network computer is depicted. The boot code will attempt to boot the user station 104 by sequencing through predetermined sets of operating system information. In one embodiment, each set of operating system information includes a directory path and filename of the operating system kernel to be downloaded from a remote server as well as a communication protocol with which the operating system is to be downloaded. The sets of operating system information may be suitably stored in NVRAM 126 of user station 104. In this embodiment, the sets of operating system information may include a list of standard directory paths and filenames in which operating system kernel code is typically stored. For a given network server/operating system combination, the operating system kernel that is downloaded to a user station 104 as part of the user station's boot sequence, is typically

> stored in specifically designated directory on the boot server. The user station boot sequence according to the present invention will run through the sets of operating system information, attempting to boot from each of the path/protocols in the list.
>
> In the embodiment illustrated in the flow diagram of FIG. 7, the operating system information includes at least a directory path and filename and a communication protocol. In this embodiment, NVRAM 126 may include a list 800 (FIG. 8) that includes multiple sets 802a, 802b, etc. (generically or collectively referred to as set(s) 802) of operating system information. Each set 802 may include a directory path/filename parameter 804 that indicates the identity or location of a file or files that includes the operating system kernel that is downloaded to user station 104 during a boot sequence. Each set 802 may further include a protocol parameter 806 that indicates the network communication protocol to be used when retrieving the operating system kernel. Suitable protocols for transferring the operating system kernel from a remote server to user station 104 include the Trivial File Transfer Protocol (TFTP) and the Network File System (NFS) protocol, both of which will be familiar to those knowledgeable in the field of computer networking.

The above-quoted two paragraphs concern a circumstance in which a user station 104 can choose between multiple operating system kernels when booting. As such, NVRAM 126 of station 104 is configured to store different sets of operation system information by which user station 104 can choose between the multiple kernels.

Applicants will assume for the sake of argument that it is reasonable to describe such sets of operation system information (see above-quoted paragraphs) as representing values of parameters used by user station 104 to select from among multiple kernels. But it would be unreasonable to interpret such operation system information as representing values of kernel parameters.

A distinction of independent claim 1 over the '457 patent is the recitation of kernel parameters. Though the '457 patent mentions some parameters generally, it fails to disclose

or suggest kernel parameters. Claims 4-7 depend at least indirectly from claim 1 and possess at least the noted station.

Independent claims 8 and 14 recite at least a feature similar to the above-noted distinction of claim 1 over the '457 patent, and thus similarly distinguish of the '457 patent, respectively. Claims 10-13 and 17-20 depend from claims 8 and 14, respectively, and exhibit at least the respective distinction.

In view of the foregoing discussion, the § 102(e) of claims 1, 4-8, 10-14 and 17-20 as anticipated under § 102(e) by the '457 patent is improper and applicants request that it be withdrawn.

ALLOWABLE SUBJECT MATTER

Applicants acknowledge with appreciation the indication on page 4 of the Office Action that claim 2-3, 9 and 15-16 define allowable subject matter but for their respective dependency on rejected base claims.

CONCLUSION

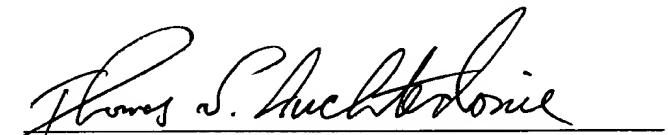
Accordingly, in view of the foregoing discussion, the issues raised in the Office Action are considered to be resolved. Applicants request a Notice of Allowability.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Thomas S. Auchterlonie at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-2025 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By 

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